

HOUSE SUBSTITUTE

FOR

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FOR

SENATE BILLS NOS. 923, 828, 876, 694 & 736

AN ACT

2 To repeal sections 28.160, 135.327, 191.925,
3 192.016, 208.631, 210.001, 210.145, 210.201,
4 210.516, 210.906, 211.031, 211.181, 294.011,
5 294.024, 294.030, 294.043, 294.060, 294.090,
6 294.121, 294.141, 452.402, 453.030, 454.606,
7 454.609, 454.615, 454.618, 454.627, and
8 454.700, RSMo, and to enact in lieu thereof
9 thirty-one new sections relating to children
10 and families, with penalty provisions and an
11 emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 28.160, 135.327, 191.925, 192.016,
208.631, 210.001, 210.145, 210.201, 210.516, 210.906, 211.031,
211.181, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090,
294.121, 294.141, 452.402, 453.030, 454.606, 454.609, 454.615,
454.618, 454.627, and 454.700, RSMo, are repealed and thirty-one
new sections enacted in lieu thereof, to be known as sections
28.160, 135.327, 191.925, 192.016, 208.631, 210.001, 210.145,

210.201, 210.516, 210.566, 210.906, 210.950, 210.1007, 211.031,
211.181, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090,
294.121, 294.141, 452.402, 453.030, 454.606, 454.609, 454.615,
454.618, 454.627, and 454.700, to read as follows:

28.160. 1. The state shall be entitled to fees for
services to be rendered by the secretary of state as follows:

For issuing commission to notary public	\$15.00
For countersigning and sealing certificates of official character	10.00
For all other certificates	5.00
For copying archive and state library records, papers or documents, for each page 8 1/2 x 14 inches and smaller, not more than	.10
For duplicating microfilm, for each roll	15.00
For copying all other records, papers or documents, for each page 8 1/2 x 14 inches and smaller, not more than[.]	.10
For certifying copies of records and papers or documents	5.00
For causing service of process to be made	10.00
For electronic telephone transmittal, per page	2.00

2. There is hereby established the "Secretary of State's
Technology Trust Fund Account" which shall be administered by the
state treasurer. All yield, interest, income, increment, or gain

1 received from time deposit of moneys in the state treasury to the
2 credit of the secretary of state's technology trust fund account
3 shall be credited by the state treasurer to the account. The
4 provisions of section 33.080, RSMo, to the contrary
5 notwithstanding, moneys in the fund shall not be transferred and
6 placed to the credit of general revenue until the amount in the
7 fund at the end of a biennium exceeds five million dollars. In
8 any such biennium the amount in the fund in excess of five
9 million dollars shall be transferred to general revenue.

10 3. The secretary of state may collect an additional fee
11 often dollars for the issuance of new and renewal notary
12 commissions which shall be deposited in the state treasury and
13 credited to the secretary of state's technology trust fund
14 account.

15 4. The secretary of state may ask the general assembly to
16 appropriate funds from the technology trust fund for the purposes
17 of establishing, procuring, developing, modernizing and
18 maintaining:

19 (1) An electronic data processing system and programs
20 capable of maintaining a centralized database of all registered
21 voters in the state;

22 (2) Library services offered to the citizens of this state;

23 (3) Administrative rules services, equipment and functions;

24 (4) Services, equipment and functions relating to

1 securities;

2 (5) Services, equipment and functions relating to
3 corporations and business organizations;

4 (6) Services, equipment and functions relating to the
5 Uniform Commercial Code;

6 (7) Services, equipment and functions relating to archives;
7 and

8 (8) Services, equipment and functions relating to record
9 services.

10 5. Notwithstanding any provision of this section to the
11 contrary, the secretary of state shall not collect fees, for
12 processing apostilles, certifications and authentications prior
13 to the placement of a child for adoption, in excess of one
14 hundred dollars per child per adoption, or per multiple children
15 to be adopted at the same time.

16 135.327. 1. Any person residing in this state who legally
17 adopts a special needs child on or after January 1, 1988, and
18 before January 1, 2000, shall be eligible to receive a tax credit
19 of up to ten thousand dollars for nonrecurring adoption expenses
20 for each child adopted that may be applied to taxes due under
21 chapter 143, RSMo. Any business entity providing funds to an
22 employee to enable that employee to legally adopt a special needs
23 child shall be eligible to receive a tax credit of up to ten
24 thousand dollars for nonrecurring adoption expenses for each

1 child adopted that may be applied to taxes due under such
2 business entity's state tax liability, except that only one ten
3 thousand dollar credit is available for each special needs child
4 that is adopted.

5 2. Any person residing in this state who proceeds in good
6 faith with the adoption of a special needs child on or after
7 January 1, 2000, shall be eligible to receive a tax credit of up
8 to ten thousand dollars for nonrecurring adoption expenses for
9 each child that may be applied to taxes due under chapter 143,
10 RSMo. Any business entity providing funds to an employee to
11 enable that employee to proceed in good faith with the adoption
12 of a special needs child shall be eligible to receive a tax
13 credit of up to ten thousand dollars for nonrecurring adoption
14 expenses for each child that may be applied to taxes due under
15 such business entity's state tax liability, except that only one
16 ten thousand dollar credit is available for each special needs
17 child that is adopted.

18 3. Individuals and business entities may claim a tax credit
19 for their total nonrecurring adoption expenses in each year that
20 the expenses are incurred. A claim for fifty percent of the
21 credit shall be allowed when the child is placed in the home. A
22 claim for the remaining fifty percent shall be allowed when the
23 adoption is final. The total of these tax credits shall not
24 exceed the maximum limit of ten thousand dollars per child. The

1 cumulative amount of tax credits which may be claimed by
2 taxpayers for nonrecurring adoption expenses in any one fiscal
3 year shall not exceed two million dollars.

4 4. Notwithstanding any provision of law to the contrary,
5 any individual or business entity may assign, transfer or sell
6 tax credits allowed in this section. Any sale of tax credits
7 claimed pursuant to this section [to a for-profit entity] shall
8 be at a discount rate of seventy-five percent or greater of the
9 amount sold.

10 191.925. 1. Effective January 1, 2002, every infant born
11 in this state shall be screened for hearing loss in accordance
12 with the provisions of sections [191.225] 191.925 to 191.937 and
13 section 376.685, RSMo.

14 2. The screening procedure shall include the use of at
15 least one of the following physiological technologies:

16 (1) Automated or diagnostic auditory brainstem response
17 (ABR);

18 (2) Otoacoustic emissions (OAE); or

19 (3) Other technologies approved by the department of health
20 and senior services.

21 3. Every newborn delivered on or after January 1, 2002, in
22 an ambulatory surgical center or hospital shall be screened for
23 hearing loss prior to discharge of the infant from the facility.
24 Any facility that transfers a newborn for further acute care

1 prior to completion of the newborn hearing screening shall notify
2 the receiving facility of the status of the newborn hearing
3 screening. The receiving facility shall be responsible for the
4 completion of the newborn hearing screening. Such facilities
5 shall report the screening results on all newborns to the parents
6 or guardian of the newborn, and the department of health and
7 senior services in a manner prescribed by the department.

8 4. If a newborn is delivered in a place other than the
9 facilities listed in subsection 3 of this section, the physician
10 or person who professionally undertakes the pediatric care of the
11 infant shall ensure that the newborn hearing screening is
12 performed within three months of the date of the infant's birth.
13 Such physicians and persons shall report the screening results on
14 all newborns to the parents or guardian of the newborn, and the
15 department of health and senior services in a manner prescribed
16 by the department.

17 5. The provisions of this section shall not apply if the
18 parents of the newborn or infant object to such testing on the
19 grounds that such tests conflict with their religious tenets and
20 practices.

21 6. As provided in subsection 5 of this section, the parent
22 of any child who fails to have the hearing screening test
23 administered after notice of the requirement for such test shall
24 have such refusal documented in writing. Such physicians,

1 persons or administrators shall obtain the written refusal and
2 make such refusal part of the medical record of the infant, and
3 shall report such refusal to the department of health and senior
4 services in a manner prescribed by the department.

5 7. The physician or person who professionally undertakes
6 the pediatric care of the newborn, and administrators of
7 ambulatory surgical centers or hospitals shall provide to the
8 parents or guardians of newborns a written packet of educational
9 information developed and supplied by the department of health
10 and senior services describing the screening, how it is
11 conducted, the nature of the hearing loss, and the possible
12 consequences of treatment and nontreatment for hearing loss prior
13 to administering the screening.

14 8. All facilities or persons described in subsections 3 and
15 4 of this section who voluntarily provide hearing screening to
16 newborns prior to January 1, 2002, shall report such screening
17 results to the department of health in a manner prescribed by the
18 department.

19 9. All facilities or persons described in subsections 3 and
20 4 of this section shall provide the parents or guardians of
21 newborns who fail the hearing screening with educational
22 materials that:

23 (1) Communicate the importance of obtaining further hearing
24 screening or diagnostic audiological assessment to confirm or

1 rule out hearing loss;

2 (2) Identify community resources available to provide
3 rescreening and diagnostic audiological assessments; and

4 (3) Provide other information as prescribed by the
5 department of health and senior services.

6 10. Any person who acts in good faith in complying with the
7 provisions of this section by reporting the newborn hearing
8 screening results to the department of health and senior services
9 shall not be civilly or criminally liable for furnishing the
10 information required by this section.

11 11. The department of health and senior services shall
12 provide audiological and administrative technical support to
13 facilities and persons implementing the requirements of this
14 section, including, but not limited to, assistance in:

15 (1) Selecting state-of-the-art newborn hearing screening
16 equipment;

17 (2) Developing and implementing newborn hearing screening
18 procedures that result in appropriate failure rates;

19 (3) Developing and implementing training for individuals
20 administering screening procedures;

21 (4) Developing and distributing educational materials for
22 families;

23 (5) Identifying community resources for delivery of
24 rescreening and pediatric audiological assessment services; and

1 (6) Implementing reporting requirements.

2 Such audiological technical support shall be provided by
3 individuals qualified to administer newborn and infant hearing
4 screening, rescreening and diagnostic audiological assessment.

5 192.016. 1. The department of health and senior services
6 shall establish a putative father registry which shall record the
7 names and addresses of:

8 (1) Any person adjudicated by a court of this state to be
9 the father of a child born out of wedlock;

10 (2) Any person who has filed with the registry before or
11 after the birth of a child out of wedlock, a notice of intent to
12 claim paternity of the child;

13 (3) Any person adjudicated by a court of another state or
14 territory of the United States to be the father of an
15 out-of-wedlock child, where a certified copy of the court order
16 has been filed with the registry by such person or any other
17 person.

18 2. A person filing a notice of intent to claim paternity of
19 a child or an acknowledgment of paternity shall file the
20 acknowledgment affidavit form developed by the state registrar
21 which shall include the minimum requirements prescribed by the
22 Secretary of the United States Department of Health and Human
23 Services pursuant to 42 U.S.C. Section [652(2)(7)] 652 (a)(7).

1 3. A person filing a notice of intent to claim paternity of
2 a child shall notify the registry of any change of address.

3 4. A person who has filed a notice of intent to claim
4 paternity may at any time revoke a notice of intent to claim
5 paternity previously filed therewith and, upon receipt of such
6 notification by the registry, the revoked notice of intent to
7 claim paternity shall be deemed a nullity nunc pro tunc.

8 5. An unrevoked notice of intent to claim paternity of a
9 child may be introduced in evidence by any party, other than the
10 person who filed such notice, in any proceeding in which such
11 fact may be relevant.

12 6. The department shall, upon request and within two
13 business days of such request, provide the names and addresses of
14 persons listed with the registry to any court or authorized
15 agency, or entity or person named in section 453.014, RSMo, and
16 such information shall not be divulged to any other person,
17 except upon order of a court for good cause shown.

18 7. The department of health and senior services shall:

19 (1) Prepare forms for registration of paternity and an
20 application for search of the putative father registry;

21 (2) Produce and distribute a pamphlet or publication
22 informing the public about the putative father registry,
23 including the procedures for voluntary acknowledgment of
24 paternity, the consequences of acknowledgment and failure to

1 acknowledge paternity pursuant to section 453.010, RSMo, and the
2 address of the putative father registry. Such pamphlet or
3 publication shall be made available for distribution at all
4 offices of the department of health and senior services. The
5 department shall also provide such pamphlets or publications to
6 the department of social services, hospitals, libraries, medical
7 clinics, schools, universities, and other providers of
8 child-related services upon request;

9 (3) Provide information to the public at large by way of
10 general public service announcements, or other ways to deliver
11 information to the public about the putative father registry and
12 its services.

13 208.631. 1. Notwithstanding any other provision of law to
14 the contrary, the department of social services shall establish a
15 program to pay for health care for uninsured children. Coverage
16 pursuant to sections 208.631 to 208.660 is subject to
17 appropriation. The provisions of sections 208.631 to 208.657
18 shall be void and of no effect after July 1, [2002] 2007.

19 2. For the purposes of sections 208.631 to 208.657,
20 "children" are persons up to nineteen years of age. "Uninsured
21 children" are persons up to nineteen years of age who have not
22 had access to employer-subsidized health care insurance or other
23 health care coverage for six months prior to application, are
24 residents of the state of Missouri, and have parents or guardians

1 who meet the requirements in section 208.636. A child who is
2 eligible for medical assistance as authorized in section 208.151,
3 is not uninsured for the purposes of sections 208.631 to 208.657.

4 210.001. 1. The department of social services shall
5 address the needs of homeless, dependent and neglected children
6 in the supervision and custody of the division of family services
7 and to their families-in-conflict by:

8 (1) Serving children and families as a unit in the least
9 restrictive setting available and in close proximity to the
10 family home, consistent with the best interests and special needs
11 of the child;

12 (2) Insuring that appropriate social services are provided
13 to the family unit both prior to the removal of the child from
14 the home and after family reunification;

15 (3) Developing and implementing preventive and early
16 intervention social services which have demonstrated the ability
17 to delay or reduce the need for out-of-home placements and
18 ameliorate problems before they become chronic.

19 2. The department of social services shall fund only
20 regional child assessment centers known as:

21 (1) The St. Louis City child assessment center;

22 (2) The St. Louis County child assessment center;

23 (3) The Jackson County child assessment center;

24 (4) The Buchanan County child assessment center;

1 (5) The Greene County and Lakes Area child assessment
2 center;

3 (6) The Boone County child assessment center;

4 (7) The Joplin child assessment center;

5 (8) The St. Charles County child assessment center;

6 (9) The Jefferson County child assessment center;

7 (10) The Pettis County child assessment center; [and]

8 (11) The southeast Missouri child assessment center;

9 (12) The Camden County child assessment center; and

10 (13) The Clay-Platte County child assessment center.

11 210.145. 1. The division shall establish and maintain an
12 information system operating at all times, capable of receiving
13 and maintaining reports. This information system shall have the
14 ability to receive reports over a single, statewide toll-free
15 number. Such information system shall maintain the results of
16 all investigations, family assessments and services, and other
17 relevant information.

18 2. Upon receipt of a report, the division shall immediately
19 communicate such report to its appropriate local office and any
20 relevant information as may be contained in the information
21 system. The local division staff shall determine, through the
22 use of protocols developed by the division, whether an
23 investigation or the family assessment and services approach
24 should be used to respond to the allegation. The protocols

1 developed by the division shall give priority to ensuring the
2 well-being and safety of the child.

3 3. The local office shall contact the appropriate law
4 enforcement agency immediately upon receipt of a report which
5 division personnel determine merits an investigation, or, which,
6 if true, would constitute a suspected violation of any of the
7 following: section 565.020, 565.021, 565.023, 565.024 or
8 565.050, RSMo, if the victim is a child less than eighteen years
9 of age, section 566.030 or 566.060, RSMo, if the victim is a
10 child less than eighteen years of age, or other crime under
11 chapter 566, RSMo, if the victim is a child less than eighteen
12 years of age and the perpetrator is twenty-one years of age or
13 older, section 567.050, RSMo, if the victim is a child less than
14 eighteen years of age, section 568.020, 568.030, 568.045,
15 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,
16 573.037 or 573.045, RSMo, or an attempt to commit any such
17 crimes. The local office shall provide such agency with a
18 detailed description of the report received. In such cases the
19 local division office shall request the assistance of the local
20 law enforcement agency in all aspects of the investigation of the
21 complaint. The appropriate law enforcement agency shall either
22 assist the division in the investigation or provide the division,
23 within twenty-four hours, an explanation in writing detailing the
24 reasons why it is unable to assist.

1 4. The local office of the division shall cause an
2 investigation or family assessment and services approach to be
3 initiated immediately or no later than within twenty-four hours
4 of receipt of the report from the division, except in cases where
5 the sole basis for the report is educational neglect. If the
6 report indicates that educational neglect is the only complaint
7 and there is no suspicion of other neglect or abuse, the
8 investigation shall be initiated within seventy-two hours of
9 receipt of the report. If the report indicates the child is in
10 danger of serious physical harm or threat to life, an
11 investigation shall include direct observation of the subject
12 child within twenty-four hours of the receipt of the report.
13 Local law enforcement shall take all necessary steps to
14 facilitate such direct observation. When the child is reported
15 absent from the residence, the location and the well-being of the
16 child shall be verified.

17 5. The director of the division shall name at least one
18 chief investigator for each local division office, who shall
19 direct the division response on any case involving a second or
20 subsequent incident regarding the same subject child or
21 perpetrator. The duties of a chief investigator shall include
22 verification of direct observation of the subject child by the
23 division and shall ensure information regarding the status of an
24 investigation is provided to the public school district liaison.

1 The public school district liaison shall develop protocol in
2 conjunction with the chief investigator to ensure information
3 regarding an investigation is shared with appropriate school
4 personnel. The public school district liaison shall be
5 designated by the superintendent of each school district. Should
6 the subject child attend a nonpublic school the chief
7 investigator shall notify the school principal of the
8 investigation.

9 6. The investigation shall include but not be limited to
10 the nature, extent, and cause of the abuse or neglect; the
11 identity and age of the person responsible for the abuse or
12 neglect; the names and conditions of other children in the home,
13 if any; the home environment and the relationship of the subject
14 child to the parents or other persons responsible for the child's
15 care; any indication of incidents of physical violence against
16 any other household or family member; and other pertinent data.

17 7. When a report has been made by a person required to
18 report under section 210.115, the division shall contact the
19 person who made such report within forty-eight hours of the
20 receipt of the report in order to ensure that full information
21 has been received and to obtain any additional information or
22 medical records, or both, that may be pertinent.

23 8. Upon completion of the investigation, if the division
24 suspects that the report was made maliciously or for the purpose

1 of harassment, the division shall refer the report and any
2 evidence of malice or harassment to the local prosecuting or
3 circuit attorney.

4 9. Multidisciplinary teams shall be used whenever
5 conducting the investigation as determined by the division in
6 conjunction with local law enforcement. Multidisciplinary teams
7 shall be used in providing protective or preventive social
8 services, including the services of law enforcement, a liaison of
9 the local public school, the juvenile officer, the juvenile
10 court, and other agencies, both public and private.

11 10. If the appropriate local division personnel determine
12 after an investigation has begun that completing an investigation
13 is not appropriate, the division shall conduct a family
14 assessment and services approach. The division shall provide
15 written notification to local law enforcement prior to
16 terminating any investigative process. The reason for the
17 termination of the investigative process shall be documented in
18 the record of the division and the written notification submitted
19 to local law enforcement. Such notification shall not preclude
20 nor prevent any investigation by law enforcement.

21 11. If the appropriate local division personnel determines
22 to use a family assessment and services approach, the division
23 shall:

24 (1) Assess any service needs of the family. The assessment

1 of risk and service needs shall be based on information gathered
2 from the family and other sources;

3 (2) Provide services which are voluntary and time-limited
4 unless it is determined by the division based on the assessment
5 of risk that there will be a high risk of abuse or neglect if the
6 family refuses to accept the services. The division shall
7 identify services for families where it is determined that the
8 child is at high risk of future abuse or neglect. The division
9 shall thoroughly document in the record its attempt to provide
10 voluntary services and the reasons these services are important
11 to reduce the risk of future abuse or neglect to the child. If
12 the family continues to refuse voluntary services or the child
13 needs to be protected, the division may commence an
14 investigation;

15 (3) Commence an immediate investigation if at any time
16 during the family assessment and services approach the division
17 determines that an investigation, as delineated in sections
18 210.109 to 210.183, is required. The division staff who have
19 conducted the assessment may remain involved in the provision of
20 services to the child and family;

21 (4) Document at the time the case is closed, the outcome of
22 the family assessment and services approach, any service provided
23 and the removal of risk to the child, if it existed.

24 12. Within thirty days of an oral report of abuse or

1 neglect, the local office shall update the information in the
2 information system. The information system shall contain, at a
3 minimum, the determination made by the division as a result of
4 the investigation, identifying information on the subjects of the
5 report, those responsible for the care of the subject child and
6 other relevant dispositional information. The division shall
7 complete all investigations within thirty days, unless good cause
8 for the failure to complete the investigation is documented in
9 the information system. If the investigation is not completed
10 within thirty days, the information system shall be updated at
11 regular intervals and upon the completion of the investigation.
12 The information in the information system shall be updated to
13 reflect any subsequent findings, including any changes to the
14 findings based on an administrative or judicial hearing on the
15 matter.

16 13. A person required to report under section 210.115 to
17 the division shall be informed by the division of his right to
18 obtain information concerning the disposition of his or her
19 report. Such person shall receive, from the local office, if
20 requested, information on the general disposition of his or her
21 report. A person required to report to the division pursuant to
22 section 210.115 may receive, if requested, findings and
23 information concerning the case. Such release of information
24 shall be at the discretion of the director based upon a review of

1 the mandated reporter's ability to assist in protecting the child
2 or the potential harm to the child or other children within the
3 family. The local office shall respond to the request within
4 forty-five days. The findings shall be made available to the
5 mandated reporter within five days of the outcome of the
6 investigation.

7 14. In any judicial proceeding involving the custody of a
8 child the fact that a report may have been made pursuant to
9 sections 210.109 to 210.183 shall not be admissible. However,
10 nothing in this subsection shall prohibit the introduction of
11 evidence from independent sources to support the allegations that
12 may have caused a report to have been made.

13 15. In any judicial proceeding involving the custody of a
14 child where the court determines that the child is in need of
15 services pursuant to subdivision (d) of subsection 1 of section
16 211.031, RSMo, and has taken jurisdiction, the child's parent,
17 guardian or custodian shall not be entered into the registry.

18 16. The division of family services is hereby granted the
19 authority to promulgate rules and regulations pursuant to the
20 provisions of section 207.021, RSMo, and chapter 536, RSMo, to
21 carry out the provisions of sections 210.109 to 210.183.

22 [16.] 17. Any rule or portion of a rule, as that term is
23 defined in section 536.010, RSMo, that is created under the
24 authority delegated in this section shall become effective only

1 if it complies with and is subject to all of the provisions of
2 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
3 This section and chapter 536, RSMo, are nonseverable and if any
4 of the powers vested with the general assembly pursuant to
5 chapter 536, RSMo, to review, to delay the effective date or to
6 disapprove and annul a rule are subsequently held
7 unconstitutional, then the grant of rulemaking authority and any
8 rule proposed or adopted after August 28, 2000, shall be invalid
9 and void.

10 210.201. As used in sections 210.201 to 210.257, the
11 following terms mean:

12 (1) "Child", an individual who is under the age of
13 seventeen;

14 (2) "Child care facility", a house or other place conducted
15 or maintained by any person who advertises or holds himself out
16 as providing care for more than four children during the daytime,
17 for compensation or otherwise, except those operated by a school
18 system or in connection with a business establishment which
19 provides child care as a convenience for its customers or its
20 employees for no more than four hours per day, but a child care
21 facility shall not include any private or religious organization
22 elementary or secondary school, a religious organization academic
23 preschool or kindergarten for four- and five-year-old children, a
24 home school, as defined in section 167.031, RSMo, a weekly Sunday

1 or Sabbath school, a vacation Bible school or child care made
2 available while the parents or guardians are attending worship
3 services or other meetings and activities conducted or sponsored
4 by a religious organization;

5 (3) "Person", any person, firm, corporation, association,
6 institution or other incorporated or unincorporated organization;

7 (4) "Religious organization", a church, synagogue or
8 mosque; an entity that has or would qualify for federal tax
9 exempt status as a nonprofit religious organization under section
10 501(c) of the Internal Revenue Code; or an entity whose real
11 estate on which the child care facility is located is exempt from
12 taxation because it is used for religious purposes.

13 210.516. 1. It shall be unlawful for any person to
14 establish, maintain, or operate a foster home, residential care
15 facility, or child placing agency, or to advertise or hold
16 himself out as being able to perform any of the services as
17 defined in sections 210.481 to 210.536, without having in full
18 force and effect a license issued by the division; provided,
19 however, that nothing in sections 210.481 to 210.536 shall apply
20 to:

21 (1) Any residential care facility operated by a person in
22 which the care provided is in conjunction with an educational
23 program for which a tuition is charged and completion of the
24 program results in meeting requirements for a diploma recognized

1 by the state department of elementary and secondary education;

2 (2) Any camp, hospital, sanitarium, or home which is
3 conducted in good faith primarily to provide recreation, medical
4 treatment, or nursing or convalescent care for children;

5 (3) Any person who receives free of charge, and not as a
6 business, for periods of time not exceeding ninety consecutive
7 days, the child of personal friends of such person as an
8 occasional and personal guest, and who receives custody of no
9 other unrelated child;

10 (4) Any child placing agency operated by the department of
11 mental health or any foster home or residential care facility
12 operated or licensed by the department of mental health under
13 sections 630.705 to 630.760, RSMo, which provides care,
14 treatment, and habilitation exclusively to children who have a
15 primary diagnosis of mental disorder, mental illness, mental
16 retardation or developmental disability, as defined in section
17 630.005, RSMo;

18 (5) Any foster home arrangement established and operated by
19 any well-known religious order or church and any residential care
20 facility or child placement agency operated by such organization;
21 [or]

22 (6) Any institution or agency maintained or operated by the
23 state, city or county; or

24 (7) Any residential care or child placing agency that is

1 accredited by the Council on Accreditation of Services for
2 Children and Families, Inc., the Joint Commission on
3 Accreditation of Hospitals, or the Commission on Accreditation of
4 Rehabilitation Facilities.

5 2. The division shall not require any foster home,
6 residential care facility, or child placing agency which believes
7 itself exempt from licensure as provided in subsection 1 of this
8 section to submit any documentation in support of the claimed
9 exemption; however said foster home, residential care facility,
10 or child placing agency is not precluded from furnishing such
11 documentation if it chooses to do so.

12 210.566. 1. The division of family services and its
13 contractors shall treat foster parents with courtesy, respect and
14 consideration. Foster parents shall treat the children in their
15 care, the child's birth family and members of the child welfare
16 team with courtesy, respect and consideration.

17 2. (1) The division of family services and its contractors
18 shall provide foster parents with training, pre-service and in-
19 service, and support. The division of family services and its
20 contractors shall share all pertinent information about the child
21 and the child's family, including but not limited to, the case
22 plan with the foster parents to assist in determining if a child
23 would be a proper placement. The division of family services and
24 its contractors shall inform the foster parents of issues

1 relative to the child that may jeopardize the health or safety of
2 the foster family. The division of family services and its
3 contractors shall arrange pre-placement visits, except in
4 emergencies. The foster parents may ask questions about the
5 child's case plan, encourage a placement or refuse a placement
6 without reprisal from the caseworker or agency. After a
7 placement, the division of family services shall update the
8 foster parents as new information about the child is gathered.
9 Foster parents shall be informed of upcoming meetings and
10 staffings, and shall be allowed to participate, consistent with
11 section 210.761. The division of family services shall establish
12 reasonably accessible respite care for children in foster care
13 for short periods of time, jointly determined by foster parents
14 and the child's caseworker pursuant to section 210.545.

15 (2) Foster parents shall treat all information received
16 from the division of family services about the child and the
17 child's family as confidential. Foster parents may share
18 information they may learn about the child and the child's family
19 with the caseworker and other members of the child welfare team.
20 Recognizing that placement changes are difficult for children,
21 foster parents shall seek all necessary information, and
22 participate in pre-placement visits, before deciding whether to
23 accept a child for placement. Foster parents shall follow all
24 procedures defined by the division of family services for

1 requesting and using respite care.

2 3. (1) Foster parents shall make decisions about the daily
3 living concerns of the child, and shall be permitted to continue
4 the practice of their own family values and routines while
5 respecting the child's cultural heritage. All discipline shall
6 be consistent with state laws and regulations. The division of
7 family services shall allow foster parents to help plan
8 visitation between the child and the child's biological family.

9 (2) Foster parents shall provide care that is respectful of
10 the child's cultural identity and needs. Foster parents shall
11 recognize that the purpose of discipline is to teach and direct
12 the behavior of the child, and ensure that it is administered in
13 a humane and sensitive manner. Recognizing that visitation with
14 family members is an important right, foster parents shall be
15 flexible and cooperative in regard to family visits.

16 4. (1) Consistent with state laws and regulations, the
17 state may provide, upon request by the foster parents,
18 information about a child's progress after the child leaves
19 foster care. Except in emergencies, foster parents shall be
20 given advance notice consistent with division policy, and a
21 written statement of the reasons before a child is removed from
22 their care. If a child re-enters the foster care system, the
23 child's foster parents shall be considered as a placement option.
24 If a child becomes free for adoption while in foster care, the

1 child's foster family shall be given preferential consideration
2 as adoptive parents consistent with section 453.070, RSMo.

3 (2) Confidentiality rights of the child and the child's
4 parents shall be respected and maintained. Foster parents shall
5 inform the child's caseworker of their interest if a child re-
6 enters the system. If a foster child becomes free for adoption
7 and the foster parents desire to adopt the child, they shall
8 inform the caseworker in a timely manner. If they do not choose
9 to pursue adoption, foster parents shall make every effort to
10 support and encourage the child's placement in a permanent home.
11 When requesting removal of a child from their home, foster
12 parents shall give reasonable advance notice, consistent with
13 division policy, to the child's caseworker, except in emergency
14 situations.

15 5. (1) Foster parents shall be informed by the court in a
16 timely manner of all court hearings pertaining to a child in
17 their care, and informed of their right to attend and
18 participate, consistent with section 211.464, RSMo.

19 (2) Foster parents shall share any concerns regarding the
20 case plan for a child in their care with the child's caseworker,
21 as well as other members of the child welfare team, in a timely
22 manner.

23 6. Foster parents shall have timely access to the child
24 placement agency's appeals process, and shall be free from acts

1 of retaliation when exercising the right to appeal.

2 7. Foster parents shall know and follow the policies of the
3 division of family services, including the appeals procedure.

4 8. For purposes of this section, "foster parent" means a
5 resource family providing care of children in state custody.

6 210.906. 1. Every child-care worker or elder-care worker
7 hired on or after January 1, 2001, or personal-care worker hired
8 on or after January 1, 2002, shall complete a registration form
9 provided by the department. The department shall make such forms
10 available no later than January 1, 2001, and may, by rule,
11 determine the specific content of such form, but every form
12 shall:

13 (1) Request the valid Social Security number of the
14 applicant;

15 (2) Include information on the person's right to appeal the
16 information contained in the registry pursuant to section
17 210.912;

18 (3) Contain the signed consent of the applicant for the
19 background checks required pursuant to this section; and

20 (4) Contain the signed consent for the release of
21 information contained in the background check for employment
22 purposes only.

23 2. Every child-care worker or elder-care worker hired on or
24 after January 1, 2001, and every personal-care worker hired on or

1 after January 1, 2002, shall complete a registration form within
2 fifteen days of the beginning of such person's employment. Any
3 person employed as a child-care, elder-care or personal-care
4 worker who fails to submit a completed registration form to the
5 department of health and senior services as required by sections
6 210.900 to 210.936 without good cause, as determined by the
7 department, is guilty of a class B misdemeanor.

8 3. The costs of the criminal background check may be paid
9 by the individual applicant, or by the provider if the applicant
10 is so employed, or for those applicants receiving public
11 assistance, by the state through the terms of the
12 self-sufficiency pact pursuant to section 208.325, RSMo. Any
13 moneys remitted to the patrol for the costs of the criminal
14 background check shall be deposited to the credit of the criminal
15 record system fund as required by section 43.530, RSMo.

16 4. Any person licensed pursuant to sections 210.481 to
17 210.565 shall be automatically registered in the family care
18 safety registry at no additional cost other than the costs
19 required pursuant to sections 210.481 to 210.565.

20 5. Any person not required to register pursuant to the
21 provisions of sections 210.900 to 210.936 may also be included in
22 the registry if such person voluntarily applies to the department
23 for registration and meets the requirements of this section and
24 section 210.909, including submitting to the background checks in

1 subsection 1 of section 210.909.

2 [5.] 6. The provisions of sections 210.900 to 210.936
3 shall not extend to related child care, related elder care or
4 related personal care.

5 210.950. 1. This section shall be known and may be cited
6 as the "Safe Place for Newborns Act of 2002". The purpose of
7 this section is to protect newborn children from injury and death
8 caused by abandonment by a parent, and to provide safe and secure
9 alternatives to such abandonment.

10 2. As used in this section, the following terms mean:

11 (1) "Hospital", as defined in section 197.020, RSMo;

12 (2) "Nonrelinquishing parent", the biological parent who
13 does not leave a newborn infant with any person listed in
14 subsection 3 of this section in accordance with this section;

15 (3) "Relinquishing parent", the biological parent or person
16 acting on such parent's behalf who leaves a newborn infant with
17 any person listed in subsection 3 of this section in accordance
18 with this section.

19 3. A parent shall not be prosecuted for a violation of
20 sections 568.030, 568.032, 568.045 or 568.050, RSMo, for actions
21 related to the voluntary relinquishment of a child up to five
22 days old pursuant to this section and it shall be an affirmative
23 defense to prosecution for a violation of sections 568.030,
24 568.032, 568.045 and 568.050, RSMo, that a parent who is a

1 defendant voluntarily relinquished a child no less than six days
2 old but no more than thirty days old pursuant to this section if:

3 (1) Expressing intent not to return for the child, the
4 parent voluntarily delivered the child safely to the physical
5 custody of any of the following persons:

6 (a) An employee, agent, or member of the staff of any
7 hospital, in a health care provider position or on duty in a
8 nonmedical paid or volunteer position;

9 (b) A firefighter or emergency medical technician on duty
10 in a paid position or on duty in a volunteer position; or

11 (c) A law enforcement officer;

12 (2) The child was no more than thirty days old when
13 delivered by the parent to any person listed in subdivision (1)
14 of this subsection; and

15 (3) The child has not been abused or neglected by the
16 parent prior to such voluntary delivery.

17 4. A person listed in subdivision (1) of subsection 3 of
18 this section shall, without a court order, take physical custody
19 of a child the person reasonably believes to be no more than
20 thirty days old and is delivered in accordance with this section
21 by a person purporting to be the child's parent. If delivery of
22 a newborn is made pursuant to this section in any place other
23 than a hospital, the person taking physical custody of the child
24 shall arrange for the immediate transportation of the child to

1 the nearest hospital licensed pursuant to chapter 197, RSMo.

2 5. The hospital, its employees, agents and medical staff
3 shall perform treatment in accordance with the prevailing
4 standard of care as necessary, to protect the physical health or
5 safety of the child. The hospital shall notify the division of
6 family services and the local juvenile officer upon receipt of a
7 child pursuant to this section. The local juvenile officer shall
8 immediately begin protective custody proceedings and request the
9 child be made a ward of the court during the child's stay in the
10 medical facility. Upon discharge of the child from the medical
11 facility and pursuant to a protective custody order ordering
12 custody of the child to the division, the division of family
13 services shall take physical custody of the child. The parent's
14 voluntary delivery of the child in accordance with this section
15 shall constitute the parent's implied consent to any such act and
16 a voluntary relinquishment of such parent's parental rights.

17 6. In any termination of parental rights proceeding
18 initiated after the relinquishment of a child pursuant to this
19 section, the juvenile officer shall make public notice that a
20 child has been relinquished, including the sex of the child, and
21 the date and location of such relinquishment. Within thirty days
22 of such public notice, the nonrelinquishing parent wishing to
23 establish parental rights shall identify himself or herself to
24 the court and state his or her intentions regarding the child.

1 The court shall initiate proceedings to establish paternity, or
2 if no person identifies himself as the father within thirty days,
3 maternity. The juvenile officer shall make examination of the
4 putative father registry established in section 192.016, RSMo, to
5 determine whether attempts have previously been made to preserve
6 parental rights to the child. If such attempts have been made,
7 the juvenile officer shall make reasonable efforts to provide
8 notice of the abandonment of the child to such putative father.

9 7. (1) If a relinquishing parent of a child relinquishes
10 custody of the child to any person listed in subsection 3 of this
11 section in accordance with this section and to preserve the
12 parental rights of the nonrelinquishing parent, the
13 nonrelinquishing parent shall take such steps necessary to
14 establish parentage within thirty days after the public notice or
15 specific notice provided in subsection 6 of this section.

16 (2) If a nonrelinquishing parent fails to take steps to
17 establish parentage within the thirty-day period specified in
18 subdivision (1) of this subsection, the nonrelinquishing parent
19 may have all of his or her rights terminated with respect to the
20 child.

21 (3) When a nonrelinquishing parent inquires at a hospital
22 regarding a child whose custody was relinquished pursuant to this
23 section, such facility shall refer the nonrelinquishing parent to
24 the division of family services and the juvenile court exercising

1 jurisdiction over the child.

2 8. The persons listed in subdivision (1) of subsection 3 of
3 this section shall be immune from civil, criminal, and
4 administrative liability for accepting physical custody of a
5 child pursuant to this section if such persons accept custody in
6 good faith. Such immunity shall not extend to any acts or
7 omissions, including negligent or intentional acts or omissions,
8 occurring after the acceptance of such child.

9 9. The division of family services shall:

10 (1) Provide information and answer questions about the
11 process established by this section on the statewide, toll-free
12 telephone number maintained pursuant to section 210.145, RSMo;

13 (2) Provide information to the public by way of pamphlets,
14 brochures, or by other ways to deliver information about the
15 process established by this section.

16 10. Nothing in this section shall be construed as
17 conflicting with section 210.125.

18 210.1007. 1. The department of health and senior services
19 shall, on or before July 1, 2003, and quarterly thereafter,
20 provide all child care facilities licensed pursuant to this
21 chapter with a comprehensive list of children's products that
22 have been identified by the Consumer Product Safety Commission as
23 unsafe.

24 2. Upon notification, a child care facility shall inspect

1 its premises and immediately dispose of any unsafe children's
2 products which are discovered. Such inspection shall be
3 documented by signing and dating the department's notification
4 form in a space designated by the department. Signed and dated
5 notification forms shall be maintained in the facility's files
6 for departmental inspection.

7 3. During regular inspections, the department shall
8 document the facility's maintenance of past signed and dated
9 notification forms. If the department discovers an unsafe
10 children's product, the facility shall be instructed to
11 immediately dispose of the product. If a facility fails to
12 dispose of a product after being given notice that it is unsafe,
13 it shall be considered a violation under the inspection.

14 4. The department may promulgate rules for the
15 implementation of this section. Any rule or portion of a rule,
16 as that term is defined in section 536.010, RSMo, that is created
17 under the authority delegated in this section shall become
18 effective only if it complies with and is subject to all of the
19 provisions of chapter 536, RSMo, and, if applicable, section
20 536.028, RSMo. This section and chapter 536, RSMo, are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536, RSMo, to review, to delay the
23 effective date or to disapprove and annul a rule are subsequently
24 held unconstitutional, then the grant of rulemaking authority and

1 any rule proposed or adopted after August 28, 2002, shall be
2 invalid and void.

3 211.031. 1. Except as otherwise provided in this chapter,
4 the juvenile court or the family court in circuits that have a
5 family court as provided in sections 487.010 to 487.190, RSMo,
6 shall have exclusive original jurisdiction in proceedings:

7 (1) Involving any child or person seventeen years of age
8 who may be a resident of or found within the county and who is
9 alleged to be in need of care and treatment because:

10 (a) The parents, or other persons legally responsible for
11 the care and support of the child or person seventeen years of
12 age, neglect or refuse to provide proper support, education which
13 is required by law, medical, surgical or other care necessary for
14 his or her well-being; except that reliance by a parent, guardian
15 or custodian upon remedial treatment other than medical or
16 surgical treatment for a child or person seventeen years of age
17 shall not be construed as neglect when the treatment is
18 recognized or permitted pursuant to the laws of this state;

19 (b) The child or person seventeen years of age is otherwise
20 without proper care, custody or support; or

21 (c) The child or person seventeen years of age was living
22 in a room, building or other structure at the time such dwelling
23 was found by a court of competent jurisdiction to be a public
24 nuisance pursuant to section 195.130, RSMo;

1 (d) The child or person seventeen years of age is a child
2 in need of mental health services and the parent, guardian or
3 custodian is unable to afford or access appropriate mental health
4 treatment or care for the child;

5 (2) Involving any child who may be a resident of or found
6 within the county and who is alleged to be in need of care and
7 treatment because:

8 (a) The child while subject to compulsory school attendance
9 is repeatedly and without justification absent from school; or

10 (b) The child disobeys the reasonable and lawful directions
11 of his or her parents or other custodian and is beyond their
12 control; or

13 (c) The child is habitually absent from his or her home
14 without sufficient cause, permission, or justification; or

15 (d) The behavior or associations of the child are otherwise
16 injurious to his or her welfare or to the welfare of others; or

17 (e) The child is charged with an offense not classified as
18 criminal, or with an offense applicable only to children; except
19 that, the juvenile court shall not have jurisdiction over any
20 child fifteen and one-half years of age who is alleged to have
21 violated a state or municipal traffic ordinance or regulation,
22 the violation of which does not constitute a felony, or any child
23 who is alleged to have violated a state or municipal ordinance or
24 regulation prohibiting possession or use of any tobacco product;

1 (3) Involving any child who is alleged to have violated a
2 state law or municipal ordinance, or any person who is alleged to
3 have violated a state law or municipal ordinance prior to
4 attaining the age of seventeen years, in which cases jurisdiction
5 may be taken by the court of the circuit in which the child or
6 person resides or may be found or in which the violation is
7 alleged to have occurred; except that, the juvenile court shall
8 not have jurisdiction over any child fifteen and one-half years
9 of age who is alleged to have violated a state or municipal
10 traffic ordinance or regulation, the violation of which does not
11 constitute a felony, or any child who is alleged to have violated
12 a state or municipal ordinance or regulation prohibiting
13 possession or use of any tobacco product;

14 (4) For the adoption of a person;

15 (5) For the commitment of a child or person seventeen years
16 of age to the guardianship of the department of social services
17 as provided by law.

18 2. Transfer of a matter, proceeding, jurisdiction or
19 supervision for a child or person seventeen years of age who
20 resides in a county of this state shall be made as follows:

21 (1) Prior to the filing of a petition and upon request of
22 any party or at the discretion of the juvenile officer, the
23 matter in the interest of a child or person seventeen years of
24 age may be transferred by the juvenile officer, with the prior

1 consent of the juvenile officer of the receiving court, to the
2 county of the child's residence or the residence of the person
3 seventeen years of age for future action;

4 (2) Upon the motion of any party or on its own motion prior
5 to final disposition on the pending matter, the court in which a
6 proceeding is commenced may transfer the proceeding of a child or
7 person seventeen years of age to the court located in the county
8 of the child's residence or the residence of the person seventeen
9 years of age, or the county in which the offense pursuant to
10 subdivision (3) of subsection 1 of this section is alleged to
11 have occurred for further action;

12 (3) Upon motion of any party or on its own motion, the
13 court in which jurisdiction has been taken pursuant to subsection
14 1 of this section may at any time thereafter transfer
15 jurisdiction of a child or person seventeen years of age to the
16 court located in the county of the child's residence or the
17 residence of the person seventeen years of age for further action
18 with the prior consent of the receiving court;

19 (4) Upon motion of any party or upon its own motion at any
20 time following a judgment of disposition or treatment pursuant to
21 section 211.181, the court having jurisdiction of the cause may
22 place the child or person seventeen years of age under the
23 supervision of another juvenile court within or without the state
24 pursuant to section 210.570, RSMo, with the consent of the

1 receiving court;

2 (5) Upon the transfer of any matter, proceeding,
3 jurisdiction or supervision of a child or person seventeen years
4 of age, certified copies of all legal and social documents and
5 records pertaining to the case on file with the clerk of the
6 transferring juvenile court shall accompany the transfer.

7 3. In any proceeding involving any child or person
8 seventeen years of age taken into custody in a county other than
9 the county of the child's residence or the residence of a person
10 seventeen years of age, the juvenile court of the county of the
11 child's residence or the residence of a person seventeen years of
12 age shall be notified of such taking into custody within
13 seventy-two hours.

14 211.181. 1. When a child or person seventeen years of age
15 is found by the court to come within the applicable provisions of
16 subdivision (1) of subsection 1 of section 211.031, the court
17 shall so decree and make a finding of fact upon which it
18 exercises its jurisdiction over the child or person seventeen
19 years of age, and the court may, by order duly entered, proceed
20 as follows:

21 (1) Place the child or person seventeen years of age under
22 supervision in his own home or in the custody of a relative or
23 other suitable person after the court or a public agency or
24 institution designated by the court conducts an investigation of

1 the home, relative or person and finds such home, relative or
2 person to be suitable and upon such conditions as the court may
3 require;

4 (2) Commit the child or person seventeen years of age to
5 the custody of:

6 (a) A public agency or institution authorized by law to
7 care for children or to place them in family homes; except that,
8 such child or person seventeen years of age may not be committed
9 to the department of social services, division of youth services;

10 (b) Any other institution or agency which is authorized or
11 licensed by law to care for children or to place them in family
12 homes;

13 (c) An association, school or institution willing to
14 receive the child or person seventeen years of age in another
15 state if the approval of the agency in that state which
16 administers the laws relating to importation of children into the
17 state has been secured; or

18 (d) The juvenile officer;

19 (3) Place the child or person seventeen years of age in a
20 family home;

21 (4) Cause the child or person seventeen years of age to be
22 examined and treated by a physician, psychiatrist or psychologist
23 and when the health or condition of the child or person seventeen
24 years of age requires it, cause the child or person seventeen

1 years of age to be placed in a public or private hospital, clinic
2 or institution for treatment and care; except that, nothing
3 contained herein authorizes any form of compulsory medical,
4 surgical, or psychiatric treatment of a child or person seventeen
5 years of age whose parents or guardian in good faith are
6 providing other remedial treatment recognized or permitted under
7 the laws of this state;

8 (5) The court may order, pursuant to subsection 2 of
9 section 211.081, that the child receive the necessary services in
10 the least restrictive appropriate environment including home and
11 community-based services, treatment and support, based on a
12 coordinated, individualized treatment plan. The individualized
13 treatment plan shall be approved by the court and developed by
14 the applicable state agencies responsible for providing or paying
15 for any and all appropriate and necessary services, subject to
16 appropriation, and shall include which agencies are going to pay
17 for and provide such services. Such plan must be submitted to
18 the court within thirty days and the child's family shall
19 actively participate in designing the service plan for the child
20 or person seventeen years of age.

21 2. When a child is found by the court to come within the
22 provisions of subdivision (2) of subsection 1 of section 211.031,
23 the court shall so decree and upon making a finding of fact upon
24 which it exercises its jurisdiction over the child, the court

1 may, by order duly entered, proceed as follows:

2 (1) Place the child under supervision in his own home or in
3 custody of a relative or other suitable person after the court or
4 a public agency or institution designated by the court conducts
5 an investigation of the home, relative or person and finds such
6 home, relative or person to be suitable and upon such conditions
7 as the court may require;

8 (2) Commit the child to the custody of:

9 (a) A public agency or institution authorized by law to
10 care for children or place them in family homes; except that, a
11 child may be committed to the department of social services,
12 division of youth services, only if he is presently under the
13 court's supervision after an adjudication under the provisions of
14 subdivision (2) or (3) of subsection 1 of section 211.031;

15 (b) Any other institution or agency which is authorized or
16 licensed by law to care for children or to place them in family
17 homes;

18 (c) An association, school or institution willing to
19 receive it in another state if the approval of the agency in that
20 state which administers the laws relating to importation of
21 children into the state has been secured; or

22 (d) The juvenile officer;

23 (3) Place the child in a family home;

24 (4) Cause the child to be examined and treated by a

1 physician, psychiatrist or psychologist and when the health or
2 condition of the child requires it, cause the child to be placed
3 in a public or private hospital, clinic or institution for
4 treatment and care; except that, nothing contained herein
5 authorizes any form of compulsory medical, surgical, or
6 psychiatric treatment of a child whose parents or guardian in
7 good faith are providing other remedial treatment recognized or
8 permitted under the laws of this state;

9 (5) Assess an amount of up to ten dollars to be paid by the
10 child to the clerk of the court. Execution of any order entered
11 by the court pursuant to this subsection, including a commitment
12 to any state agency, may be suspended and the child placed on
13 probation subject to such conditions as the court deems
14 reasonable. After a hearing, probation may be revoked and the
15 suspended order executed.

16 3. When a child is found by the court to come within the
17 provisions of subdivision (3) of subsection 1 of section 211.031,
18 the court shall so decree and make a finding of fact upon which
19 it exercises its jurisdiction over the child, and the court may,
20 by order duly entered, proceed as follows:

21 (1) Place the child under supervision in his own home or in
22 custody of a relative or other suitable person after the court or
23 a public agency or institution designated by the court conducts
24 an investigation of the home, relative or person and finds such

1 home, relative or person to be suitable and upon such conditions
2 as the court may require;

3 (2) Commit the child to the custody of:

4 (a) A public agency or institution authorized by law to
5 care for children or to place them in family homes;

6 (b) Any other institution or agency which is authorized or
7 licensed by law to care for children or to place them in family
8 homes;

9 (c) An association, school or institution willing to
10 receive it in another state if the approval of the agency in that
11 state which administers the laws relating to importation of
12 children into the state has been secured; or

13 (d) The juvenile officer;

14 (3) Beginning January 1, 1996, the court may make further
15 directions as to placement with the division of youth services
16 concerning the child's length of stay. The length of stay order
17 may set forth a minimum review date;

18 (4) Place the child in a family home;

19 (5) Cause the child to be examined and treated by a
20 physician, psychiatrist or psychologist and when the health or
21 condition of the child requires it, cause the child to be placed
22 in a public or private hospital, clinic or institution for
23 treatment and care; except that, nothing contained herein
24 authorizes any form of compulsory medical, surgical, or

1 psychiatric treatment of a child whose parents or guardian in
2 good faith are providing other remedial treatment recognized or
3 permitted under the laws of this state;

4 (6) Suspend or revoke a state or local license or authority
5 of a child to operate a motor vehicle;

6 (7) Order the child to make restitution or reparation for
7 the damage or loss caused by his offense. In determining the
8 amount or extent of the damage, the court may order the juvenile
9 officer to prepare a report and may receive other evidence
10 necessary for such determination. The child and his attorney
11 shall have access to any reports which may be prepared, and shall
12 have the right to present evidence at any hearing held to
13 ascertain the amount of damages. Any restitution or reparation
14 ordered shall be reasonable in view of the child's ability to
15 make payment or to perform the reparation. The court may require
16 the clerk of the circuit court to act as receiving and disbursing
17 agent for any payment ordered;

18 (8) Order the child to a term of community service under
19 the supervision of the court or of an organization selected by
20 the court. Every person, organization, and agency, and each
21 employee thereof, charged with the supervision of a child under
22 this subdivision, or who benefits from any services performed as
23 a result of an order issued under this subdivision, shall be
24 immune from any suit by the child ordered to perform services

1 under this subdivision, or any person deriving a cause of action
2 from such child, if such cause of action arises from the
3 supervision of the child's performance of services under this
4 subdivision and if such cause of action does not arise from an
5 intentional tort. A child ordered to perform services under this
6 subdivision shall not be deemed an employee within the meaning of
7 the provisions of chapter 287, RSMo, nor shall the services of
8 such child be deemed employment within the meaning of the
9 provisions of chapter 288, RSMo. Execution of any order entered
10 by the court, including a commitment to any state agency, may be
11 suspended and the child placed on probation subject to such
12 conditions as the court deems reasonable. After a hearing,
13 probation may be revoked and the suspended order executed;

14 (9) When a child has been adjudicated to have violated a
15 municipal ordinance or to have committed an act that would be a
16 misdemeanor if committed by an adult, assess an amount of up to
17 twenty-five dollars to be paid by the child to the clerk of the
18 court; when a child has been adjudicated to have committed an act
19 that would be a felony if committed by an adult, assess an amount
20 of up to fifty dollars to be paid by the child to the clerk of
21 the court.

22 4. Beginning January 1, 1996, the court may set forth in
23 the order of commitment the minimum period during which the child
24 shall remain in the custody of the division of youth services.

1 No court order shall require a child to remain in the custody of
2 the division of youth services for a period which exceeds the
3 child's eighteenth birth date except upon petition filed by the
4 division of youth services pursuant to subsection 1 of section
5 219.021, RSMo. In any order of commitment of a child to the
6 custody of the division of youth services, the division shall
7 determine the appropriate program or placement pursuant to
8 subsection 3 of section 219.021, RSMo. Beginning January 1,
9 1996, the department shall not discharge a child from the custody
10 of the division of youth services before the child completes the
11 length of stay determined by the court in the commitment order
12 unless the committing court orders otherwise. The director of
13 the division of youth services may at any time petition the court
14 for a review of a child's length of stay commitment order, and
15 the court may, upon a showing of good cause, order the early
16 discharge of the child from the custody of the division of youth
17 services. The division may discharge the child from the division
18 of youth services without a further court order after the child
19 completes the length of stay determined by the court or may
20 retain the child for any period after the completion of the
21 length of stay in accordance with the law.

22 5. When an assessment has been imposed under the provisions
23 of subsection 2 or 3 of this section, the assessment shall be
24 paid to the clerk of the court in the circuit where the

1 assessment is imposed by court order, to be deposited in a fund
2 established for the sole purpose of payment of judgments entered
3 against children in accordance with section 211.185.

4 294.011. As used in this chapter, the following terms mean:

5 (1) "Child", an individual under sixteen years of age,
6 unless otherwise specified;

7 (2) "Commission", the labor and industrial relations
8 commission;

9 (3) "Department", the department of labor and industrial
10 relations;

11 (4) "Department director", the director of the department
12 of labor and industrial relations;

13 (5) "Director", the director of the division of labor
14 standards;

15 (6) "Division", the division of labor standards;

16 (7) "Employ", engage a child in gainful employment for
17 wages or other remuneration [except where the child is working
18 under the direct control of the parent, legal custodian or
19 guardian of the child]. The term employ shall not include [the
20 performance of the following services by a child twelve years of
21 age or older] any child working under the direct control of the
22 child's parent and shall not include the following services which
23 may be performed by any child over the age of twelve:

24 (a) The delivery or sales of newspapers[, magazines or

1 periodicals];

2 (b) Child care;

3 (c) Occasional yard or farm work, including agriculture
4 work as defined in subdivision (1) of section 290.500, RSMo,
5 performed by a child with the knowledge and consent of [his or
6 her] the child's parent [, legal custodian or guardian. Such
7 work shall include the use of lawn and garden machinery in
8 domestic service at or around a private residence, provided that,
9 there shall be an agreement between an occupant of the private
10 residence and the child, and by no other person, firm or
11 corporation, other than a parent, legal custodian or guardian of
12 the child, for the performance of such work]. A child may
13 operate lawn and garden machinery as specified in subsection (1)
14 of section 294.040, provided that, no child shall be permitted to
15 engage in any activities prohibited by section 294.040;

16 (d) Participating in a youth sporting event as a referee,
17 coach or other position necessary to the sporting event; except
18 that, this paragraph shall not include working at a concession
19 stand. For purposes of this paragraph, "youth sporting event"
20 means an event where all players are under the age of eighteen
21 and the event is sponsored and supervised by a public body or a
22 not-for-profit entity[; or

23 (e) Any other part-time employment performed by a child
24 with the knowledge and consent of his or her parent, legal

1 custodian or guardian not specifically prohibited by section
2 294.040];

3 (8) "Parent", a child's parent, legal custodian or
4 guardian.

5 294.024. A child [who has passed the child's fourteenth
6 birthday but is under sixteen years of age may be employed in any
7 occupation other than the occupations prohibited by this chapter,
8 except that the child] may not be employed during the regular
9 school term unless the child has been issued a work
10 certificate[,] or a work permit [issued] pursuant to the
11 provisions of this chapter [or an exemption issued by the
12 director].

13 294.030. 1. A child [under sixteen years of age] shall not
14 be employed, permitted or suffered to work at any gainful
15 employment for more than three hours per day in any school day,
16 more than eight hours in any nonschool day, more than six days or
17 forty hours in any week. Normal work hours shall not begin
18 before seven o'clock in the morning nor extend to after 9:00
19 p.m., except as provided in subsection 2 of this section. The
20 provisions of this subsection may be waived by the director, in
21 full or in part, depending upon the nature of the employment.
22 Such waiver shall be provided in writing to the employer by the
23 director. The waiver shall only exempt employment described in
24 section 294.022.

1 2. On all evenings from Labor Day to June first, a child
2 [under sixteen years of age] shall not be employed, permitted or
3 suffered to work at any gainful employment after 7:00 p.m. nor
4 after 9:00 p.m. from June first to Labor Day; except that a child
5 who has passed his or her fourteenth birthday but is under
6 sixteen years of age may be employed at a regional fair from June
7 first to Labor Day, if such child does not work after 10:30 p.m.,
8 is supervised by an adult, parental consent is given and the
9 provisions of this subsection are complied with. The [provisions
10 of this subsection] regional fair exception shall not apply to
11 those entities covered by the Fair Labor Standards Act. The
12 provisions of this subsection do not apply to children who have
13 been permanently excused from school pursuant to the provisions
14 of chapter 167, RSMo. The provisions of this subsection may be
15 waived by the director, in full or in part, depending upon the
16 nature of the employment. Such waiver shall be provided in
17 writing to the employer by the director. The waiver shall only
18 exempt employment described in section 294.022.

19 294.060. 1. Whenever a child [under sixteen years of age]
20 is granted a work certificate or work permit, the certificate or
21 work permit shall be transmitted by the issuing officer to the
22 employer of the child and a copy shall be [mailed] transmitted to
23 the division. The employer shall keep the work certificate or
24 work permit on file and shall post in a conspicuous place in the

1 employer's place of business a list of all children who are
2 employed and under the age of sixteen.

3 2. On termination of the employment of the child, the
4 child's work certificate or work permit shall be sent immediately
5 by the employer to the officer who issued it.

6 3. A new certificate or work permit may be issued for a
7 child whose certificate or work permit has been returned by the
8 employer to the issuing officer.

9 4. A copy of each work certificate or work permit issued
10 and notice of its cancellation shall be retained by the issuing
11 officer and a copy shall be [mailed] transmitted by the issuing
12 officer to the division.

13 294.043. No child under sixteen years of age shall be
14 employed or permitted to work in any street occupation connected
15 with peddling, begging, door-to-door selling or any activity
16 pursued on or about any public street or public place [until the
17 employer has received written permission from the director of the
18 division of labor standards]. This prohibition does not apply to
19 any public school or church or charitable fund-raising activity,
20 or distribution of literature relating to a registered political
21 candidate.

22 294.090. 1. The director is charged with the enforcement
23 of the provisions of this chapter and all other laws regulating
24 the employment of children. The director is vested with the

1 power and jurisdiction to exercise such supervision over every
2 employment as may be necessary to adequately enforce and
3 administer the provisions of this chapter, including the right to
4 enter any place where children are employed and to inspect the
5 premises and to [call for and inspect] require the production of
6 work certificates or work permits and any other necessary
7 documents specifically requested that involve the employment of
8 children.

9 2. Every employer subject to any provision of sections
10 294.005 to 294.150 or any regulation issued pursuant to sections
11 294.005 to 294.150 shall make and keep for a period of not less
12 than two years, on the premises where any child is employed, the
13 work certificate, a record of the name, address, and age of the
14 child, and times and hours worked by the child each day.

15 3. All records and information obtained by the division
16 pertaining to minors are confidential and personal identifying
17 information shall be disclosed only by order of a court of
18 competent jurisdiction.

19 4. If it appears that a work certificate or work permit has
20 been improperly granted or illegally used, or the child is being
21 injured, or is likely to be injured by the employment, this fact
22 shall be reported to the issuing officer who shall cancel the
23 work certificate or work permit. Notice in writing of the
24 cancellation, with reasons therefor, shall be [mailed]

1 transmitted immediately to the child and to the person employing
2 the child, and thereafter it shall be unlawful for any such
3 person to continue to employ the child.

4 294.121. 1. Any person, firm or corporation who violates
5 any provision of this chapter shall in addition to the criminal
6 violation in section 294.110 be civilly liable for damages of not
7 less than fifty dollars but not more than one thousand dollars
8 for each violation. Each day a violation continues shall
9 constitute a separate violation. Each child employed or
10 permitted to work in violation of this chapter shall constitute a
11 separate violation. The director may bring the civil action to
12 enforce the provisions of this chapter. The attorney general
13 may, on behalf of the director, bring suit pursuant to this
14 section.

15 2. The director shall determine the amount of civil damages
16 to request in the suit based on the nature and gravity of the
17 violation. The director shall also consider the size of the
18 business when determining the appropriate civil damages. The
19 size of the business shall be determined by the number of people
20 employed by that business. A request for the maximum civil
21 damages shall be justified by the following, to be considered
22 individually or in combination:

23 (1) The likelihood of injury and the seriousness of the
24 potential injuries to which the child has been exposed;

1 (2) The business or employer has had multiple violations;

2 (3) The business or employer has had recurring violations;

3 (4) Employment of any child in a hazardous or detrimental
4 occupation;

5 (5) Violations involving children under fourteen years of
6 age;

7 (6) A substantial number of hours worked in excess of the
8 statutory limit;

9 (7) Falsification or concealment of information regarding
10 the employment of children;

11 (8) Failure to assure future compliance with the provisions
12 of this chapter.

13 3. If the director decides to seek civil damages as
14 provided by this section, the director shall notify, by certified
15 mail, the person, firm or corporation charged with the violation.
16 The notice of violation shall include the following:

17 (1) The nature of the violation;

18 (2) The date of the violation;

19 (3) The name of the child or children involved in the
20 violation;

21 (4) The amount of civil damages the director is requesting;

22 (5) The terms and conditions for any settlement agreement;
23 and

24 (6) The right to contest the director's decision to seek

1 civil damages.

2 4. The initial violation determination from the division
3 shall be final, unless within twenty calendar days after the
4 division mails the violation determination or notification, the
5 person, firm or corporation charged with the violation notifies
6 the director in writing that the violation determination is being
7 contested.

8 5. The parties named in the violation determination may
9 contest the violation determination if a written notice appealing
10 the violation determination is received by the director within
11 twenty calendar days after the division mailed the violation
12 determination. The director shall set a meeting with the parties
13 contesting the findings in order to review the findings of the
14 division. After review of the findings, the director may hold
15 that the findings support the violation determination or the
16 director may issue a revised violation determination.

17 6. If the parties cited in the subsequent violation
18 determination disagree with the violation determination of the
19 director, then the parties cited in the subsequent violation
20 determination may contest the subsequent determination by filing
21 a written appeal with the department director. The appeal
22 contesting the subsequent determination shall be sent to the
23 department director in time to be received within twenty calendar
24 days after the division mailed the subsequent violation

determination from the director. If the director does not receive the written appeal within twenty calendar days after the division mailed the subsequent violation determination then the determination of the director shall be final. If the subsequent written appeal is received within the twenty-calendar-day period, then the department director, or the department director's designee, shall set a meeting with the parties contesting the findings in order to review the findings of the division and the director. After review of the findings, the department director, or the department director's designee, may hold that the findings of the division and the director to support the violation determination or the department director, or the department director's designee, may issue a revised violation determination.

7. The determination of the department director or the department director's designee shall be the final determination pertaining to the violation determinations, unless judicial review is sought under chapter 536, RSMo.

294.141. The records of the division shall constitute prima facie evidence of the date of [mailing] transmission of any notice, determination or other paper [mailed] transmission pursuant to the provisions of this chapter.

452.402. 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree. The court may grant grandparent

1 visitation when:

2 (1) The parents of the child have filed for a dissolution
3 of their marriage. A grandparent shall have the right to
4 intervene in any dissolution action solely on the issue of
5 visitation rights. Grandparents shall also have the right to
6 file a motion to modify the original decree of dissolution to
7 seek visitation rights when such rights have been denied to them;

8 (2) One parent of the child is deceased and the surviving
9 parent denies reasonable visitation rights to a parent of the
10 deceased parent of the child;

11 (3) The child has resided in the grandparent's home for at
12 least six months within the twenty-four month period immediately
13 preceding the filing of the petition;

14 (4) A grandparent is unreasonably denied visitation with
15 the child for a period exceeding ninety days. However, if the
16 natural parents are legally married to each other and are living
17 together with the child, a grandparent may not file for
18 visitation pursuant to this subdivision; or

19 [(4)] (5) The child is adopted by a stepparent, another
20 grandparent or other blood relative.

21 2. The court shall determine if the visitation by the
22 grandparent would be in the child's best interest or if it would
23 endanger the child's physical health or impair the child's
24 emotional development. Visitation may only be ordered when the

1 court finds such visitation to be in the best interests of the
2 child. However, when the parents of the child are legally
3 married to each other and are living together with the child, it
4 shall be a rebuttable presumption that such parents know what is
5 in the best interest of the child. The court may order
6 reasonable conditions or restrictions on grandparent visitation.

7 3. If the court finds it to be in the best interests of the
8 child, the court may appoint a guardian ad litem for the child.
9 The guardian ad litem shall be an attorney licensed to practice
10 law in Missouri. The guardian ad litem may, for the purpose of
11 determining the question of grandparent visitation rights,
12 participate in the proceedings as if such guardian ad litem were
13 a party. The court shall enter judgment allowing a reasonable
14 fee to the guardian ad litem.

15 4. A home study, as described by section 452.390, may be
16 ordered by the court to assist in determining the best interests
17 of the child.

18 5. The court may, in its discretion, consult with the child
19 regarding the child's wishes in determining the best interest of
20 the child.

21 6. The right of a grandparent to seek or maintain
22 visitation rights pursuant to this section may terminate upon the
23 adoption of the child.

24 7. The court may award reasonable attorneys fees and

1 expenses to the prevailing party.

2 453.030. 1. In all cases the approval of the court of the
3 adoption shall be required and such approval shall be given or
4 withheld as the welfare of the person sought to be adopted may,
5 in the opinion of the court, demand.

6 2. The written consent of the person to be adopted shall be
7 required in all cases where the person sought to be adopted is
8 fourteen years of age or older, except where the court finds that
9 such child has not sufficient mental capacity to give the same.

10 3. With the exceptions specifically enumerated in section
11 453.040, when the person sought to be adopted is under the age of
12 eighteen years, the written consent of the following persons
13 shall be required and filed in and made a part of the files and
14 record of the proceeding:

15 (1) The mother of the child; and

16 (2) Any man who:

17 (a) Is presumed to be the father pursuant to the
18 subdivisions (1), (2), or (3) [or (5)] of subsection 1 of section
19 210.822, RSMo; or

20 (b) Has filed an action to establish his paternity in a
21 court of competent jurisdiction no later than fifteen days after
22 the birth of the child; or

23 (c) Filed with the putative father registry pursuant to
24 section 192.016, RSMo, a notice of intent to claim paternity or

1 an acknowledgment of paternity either prior to or within fifteen
2 days after the child's birth, and has filed an action to
3 establish his paternity in a court of competent jurisdiction no
4 later than fifteen days after the birth of the child; or

5 (3) The child's current adoptive parents or other legally
6 recognized mother and father.

7 Upon request by the petitioner and within one business day of
8 such request, the clerk of the local court shall verify whether
9 such written consents have been filed with the court.

10 4. The written consent required in subdivisions (2) and (3)
11 of subsection 3 of this section may be executed before or after
12 the commencement of the adoption proceedings, and shall be
13 acknowledged before a notary public. In lieu of such
14 acknowledgment, the signature of the person giving such written
15 consent shall be witnessed by the signatures of at least two
16 adult persons whose signatures and addresses shall be plainly
17 written thereon. The two adult witnesses shall not be the
18 prospective adoptive parents or any attorney representing a party
19 to the adoption proceeding. The notary public or witnesses shall
20 verify the identity of the party signing the consent.

21 5. The written consent required in subdivision (1) of
22 subsection 3 of this section by the birth parent shall not be
23 executed anytime before the child is forty-eight hours old. Such

1 written consent shall be executed in front of a judge or a notary
2 public. In lieu of such acknowledgment, the signature of the
3 person giving such written consent shall be witnessed by the
4 signatures of at least two adult persons who are present at the
5 execution whose signatures and addresses shall be plainly written
6 thereon and who determine and certify that the consent is
7 knowingly and freely given. The two adult witnesses shall not be
8 the prospective adoptive parents or any attorney representing a
9 party to the adoption proceeding. The notary public or witnesses
10 shall verify the identity of the party signing the consent.

11 6. The written consents shall be reviewed and, if found to
12 be in compliance with this section, approved by the court within
13 three business days of such consents being presented to the
14 court. Upon review, in lieu of approving the consent within
15 three business days, the court may set a date for a prompt
16 evidentiary hearing upon notice to the parties. Failure to
17 review and approve the written consent within three business days
18 shall not void the consent, but a party may seek a writ of
19 mandamus from the appropriate court, unless an evidentiary
20 hearing has been set by the court pursuant to this subsection.

21 7. The written consent required in subsection 3 of this
22 section may be withdrawn anytime until it has been reviewed and
23 accepted by a judge.

24 8. A consent form shall be developed through rules and

1 regulations promulgated by the department of social services. No
2 rule or portion of a rule promulgated under the authority of this
3 section shall become effective unless it has been promulgated
4 pursuant to the provisions of chapter 536, RSMo. If a written
5 consent is obtained after August 28, 1997, but prior to the
6 development of a consent form by the department and the written
7 consent complies with the provisions of subsection 9 of this
8 section, such written consent shall be deemed valid.

9 9. However, the consent form must specify that:

10 (1) The birth parent understands the importance of
11 identifying all possible fathers of the child and shall provide
12 the names of all such persons unless the mother has good cause as
13 to why she should not name such persons. The court shall
14 determine if good cause is justifiable. By signing the consent,
15 the birth parent acknowledges that those having an interest in
16 the child have been supplied with all available information to
17 assist in locating all possible fathers; and

18 (2) The birth parent understands that if he denies
19 paternity, but consents to the adoption, he waives any future
20 interest in the child.

21 10. The written consent to adoption required by subsection
22 3 and executed through procedures set forth in subsection 5 of
23 this section shall be valid and effective even though the parent
24 consenting was under eighteen years of age, if such parent was

1 represented by a guardian ad litem, at the time of the execution
2 thereof.

3 11. Where the person sought to be adopted is eighteen years
4 of age or older, his written consent alone to his adoption shall
5 be sufficient.

6 12. A birth parent, including a birth parent less than
7 eighteen years of age, shall have the right to legal
8 representation and payment of any reasonable legal fees incurred
9 throughout the adoption process. In addition, the court may
10 appoint an attorney to represent a birth parent if:

11 (1) A birth parent requests representation;

12 (2) The court finds that hiring an attorney to represent
13 such birth parent would cause a financial hardship for the birth
14 parent; and

15 (3) The birth parent is not already represented by counsel.

16 13. Except in cases where the court determines that the
17 adoptive parents are unable to pay reasonable attorney fees and
18 appoints pro bono counsel for the birth parents, the court shall
19 order the costs of the attorney fees incurred pursuant to
20 subsection 12 of this section to be paid by the prospective
21 adoptive parents or the child-placing agency.

22 454.606. 1. In all IV-D cases in which income withholding
23 for child support is to be initiated on the effective date of the
24 order pursuant to section 452.350, RSMo, and section 454.505,

1 respectively, the circuit clerk or division, as appropriate,
2 shall send a notice to the employer or union of the parent who
3 has been ordered to provide the health benefit plan coverage at
4 the same time the support order withholding notice is issued. In
5 cases in which the division enforces an order to obtain health
6 benefit plan coverage, it also shall send a notice to the
7 employer or union of the parent who has been ordered to provide
8 the health benefit plan coverage.

9 2. The notice shall be sent to the employer or union by
10 certified mail, return receipt requested.

11 3. [The notice shall contain the following information:

12 (1) The parent's name and Social Security number;

13 (2) A statement that the parent has been required to
14 provide and maintain health benefit plan coverage for a dependent
15 minor child;

16 (3) The name, date of birth and Social Security number, if
17 available, for each child.

18 4. The notice to withhold sufficient funds from the
19 earnings due the obligor to cover employee contributions or
20 premiums, when necessary to comply with the order to provide
21 health benefit plan coverage, is binding on current and successor
22 employers for current and subsequent periods of employment. Such
23 notice continues until further notice by the court or the
24 division.

1 5. The withholding of health benefit plan employee
2 contributions or premiums from income, if required to comply with
3 the order, shall not be held in abeyance pending the outcome of
4 any hearing provided pursuant to section 454.609.] The division
5 shall use the National Medical Support Notice required by 42
6 U.S.C. Section 666(a)(19) and 45 C.F.R. Section 303.32 to enforce
7 health benefit plan coverage under this chapter. All employers,
8 unions, and plan administrators shall comply with the terms of
9 the National Medical Support Notice, including the instructions
10 therein, whether issued by the division or the IV-D agency of
11 another state which appears regular on its face. The division
12 shall:

13 (1) Transfer the National Medical Support Notice to an
14 employer within two business days after the date of entry of an
15 employee who is an obligor in a IV-D case in the state directory
16 of new hires; and

17 (2) Promptly notify the appropriate employer or union if a
18 current order for medical support for which the division is
19 responsible is no longer in effect.

20 4. The notice issued by the circuit clerk shall contain, at
21 a minimum, the following information:

22 (1) The parent's name and Social Security number;

23 (2) A statement that the parent is required to provide and
24 maintain health benefit plan coverage for a dependent minor

1 child; and

2 (3) The name, date of birth, and Social Security number, if
3 available, for each child.

4 5. The notice to withhold sufficient funds from the
5 earnings due the obligor to cover employee contributions or
6 premiums, when necessary to comply with the order to provide
7 health benefit plan coverage, is binding on current and successor
8 employers for current and subsequent periods of employment. Such
9 notice shall continue until further notice by the court or
10 division.

11 6. The withholding of health benefit plan employee
12 contributions or premiums from income, if required to comply with
13 the order, shall not be held in abeyance pending the outcome of
14 any hearing provided pursuant to section 454.609.

15 454.609. 1. At the same time an employer or union notice
16 is sent pursuant to section 454.606, the circuit clerk or the
17 division, as appropriate, shall send a notice to the obligor by
18 any form of mail to the obligor's last known address. The
19 information contained in that notice shall include:

20 (1) A statement that the parent has been directed to
21 provide and maintain health benefit plan coverage for the benefit
22 of a minor child;

23 (2) The name and date of birth of the minor child;

24 (3) A statement that the income withholding for health

1 benefit coverage applies to current and subsequent periods of
2 employment;

3 (4) [The procedure available to] A statement that the
4 parent may within thirty days of the mailing date of the order or
5 notice submit a written contest to the withholding on the grounds
6 that the withholding is not proper because of mistake of fact or
7 because the obligor [has purchased] provides other insurance that
8 was obtained prior to issuance of the withholding order or notice
9 that is comparable to the health benefit plan available through
10 the employer or union or nonemployer or nonunion group;

11 (5) A statement that if the obligor contests the
12 withholding, the obligor shall be afforded an opportunity to
13 present his or her case to the court or the division within
14 thirty days of receipt of the notice of contest;

15 (6) A statement of exemptions which may apply to limit the
16 portion of the obligated party's disposable earnings which are
17 subject to the withholding under federal or state law;

18 (7) The Social Security number of the obligor, if
19 available;

20 (8) A statement that state law prohibits employers from
21 retaliating against an obligor under an order to provide health
22 benefit plan coverage and that the court or the division should
23 be contacted if the obligor has been retaliated against by his or
24 her employer as a result of the order for health benefit plan

1 coverage.

2 2. The only grounds to contest a withholding order or
3 notice for health benefit plan coverage sent to an employer or
4 union shall be mistake of fact or [the obligor's purchase of]
5 that the obligor obtained other insurance prior to issuance of
6 the withholding order or notice that is comparable to the health
7 benefit plan available through the employer or union, or
8 nonemployer or nonunion group. For purposes of sections 454.600
9 to 454.645, "mistake of fact" means an error as to the identity
10 of the obligor.

11 3. If the obligor contests the withholding order or notice
12 for health plan coverage because of mistake of fact or [the
13 purchase of] because the obligor obtained comparable insurance
14 [within fifteen days of the mail date of the notice] prior to
15 issuance of the withholding order or notice, the court or the
16 director shall hold a hearing, enter an order disposing of all
17 issues disputed by the obligor[, indicate the date that
18 withholding will commence, if appropriate,] and notify the
19 obligated party of the determination and date, within forty-five
20 days of the date of receipt of the obligated party's notice of
21 contest.

22 454.615. 1. Upon receipt of a court or administrative
23 order, or notice, for health benefit plan coverage, the employer
24 or union shall [forward a copy of] transfer the order or notice

1 to the [health benefit plan administrator or insurer, as
2 applicable] appropriate group health plan providing the health
3 plan coverage for which the child is eligible, excluding any
4 severable notice to withhold for health care coverage directing
5 the employer or union to withhold any mandatory employee
6 contribution to the plan, within twenty business days after the
7 date of the order or notice.

8 2. Within forty business days after the date of the order
9 or notice, the plan administrator shall:

10 (1) Notify the issuing agency whether coverage of the child
11 is available under the terms of the plan and, if so, whether such
12 child is covered under the plan and either the effective date of
13 such coverage or, if necessary, any steps to be taken by the
14 custodial parent or issuing agency to effectuate such coverage;
15 and

16 (2) Provide to the custodial parent or issuing agency a
17 description of the coverage available and any forms or documents
18 necessary to effectuate such coverage.

19 454.618. 1. Upon receipt of the court or administrative
20 order, or notice, for health benefit plan coverage, or upon
21 application of the obligor pursuant to that order, the employer
22 or union shall take necessary action to enroll the minor child as
23 an eligible dependent in the health benefit plan and, upon
24 enrollment, withhold any required employee contribution or

1 premium from the obligor's income or wages necessary for the
2 coverage of the child and send any amount withheld directly to
3 the health benefit plan administrator. If more than one health
4 benefit plan is offered by the employer or union, the minor child
5 shall be enrolled in the plan in which the obligor is enrolled.
6 When one or more plans are available and the obligor is not
7 enrolled in a plan that covers dependents or is not enrolled in
8 any plan, the [employer or union shall enroll the] minor child
9 and the obligor if necessary shall be enrolled under the least
10 costly plan that provides service to the area where the child
11 resides if the order or notice for health benefit plan coverage
12 is not a National Medical Support Notice issued by the division
13 or IV-D agency of another state. If the notice for health
14 benefit plan coverage is a National Medical Support Notice issued
15 by the division or IV-D agency of another state, the health
16 benefit plan administrator shall provide to the issuing agency
17 copies of the applicable summary plan descriptions or other
18 documents that describe available coverage, including the
19 additional participant contribution necessary to obtain coverage
20 for the child under each option and whether there is a limited
21 service area for any option. The issuing agency, in consultation
22 with the custodial parent, must promptly select from the
23 available plan options. If the issuing agency does not make such
24 selection within twenty business days from the date the plan

1 administrator provided the option, the plan administrator shall
2 enroll the child in the plan's default option, if any. If the
3 plan does not have a default option, the plan administrator shall
4 enroll the child in the option selected by the issuing agency.

5 2. In those instances where the obligor fails or refuses to
6 execute any document necessary to enroll the minor child in the
7 health benefit plan ordered by the court, the required
8 information and authorization may be provided by the division or
9 the custodial parent or guardian of the minor child.

10 3. Information and authorization provided by the division
11 or the custodial parent or guardian of the minor child shall be
12 valid for the purpose of meeting enrollment requirements of the
13 health benefit plan and shall not affect the obligation of the
14 employer or union and the insurer to enroll the minor child in
15 the health benefit plan for which other eligibility, enrollment,
16 underwriting terms and other requirements are met. However, any
17 health benefit plan provision which denies or restricts coverage
18 to a minor child of the obligor due to birth out of wedlock shall
19 be void as against public policy.

20 4. A minor child that an obligor is required to cover as an
21 eligible dependent pursuant to sections 454.600 to 454.645 shall
22 be considered for health benefit plan coverage purposes as a
23 dependent of the obligor until the child's right to parental
24 support terminates or until further order of the court, but in no

1 event past the limiting age set forth in the health benefit plan.

2 454.627. When an order for health benefit plan coverage
3 pursuant to sections 454.600 to 454.645 is in effect, upon
4 termination of the obligor's employment, or upon termination of
5 the health benefit plan coverage, the employer, union or health
6 benefit plan administrator, as appropriate, shall make a good
7 faith effort to notify the obligee, [and] or in IV-D cases, the
8 division, within ten days of the termination date with notice of
9 continuation or conversion privileges. In addition, in IV-D
10 cases, upon termination of the obligor's employment, the employer
11 shall promptly notify the division or IV-D agency of another
12 state, as applicable, of the obligor's last known address and the
13 name and address of the obligor's new employer, if known.

14 454.700. 1. In any case in which a parent is required by a
15 court or administrative order to provide medical coverage for a
16 child, under any health benefit plan, as defined in section
17 454.600, and a parent is eligible through employment, under the
18 provisions of the federal Comprehensive Omnibus Budget
19 Reconciliation Act (COBRA) or the provisions of section 376.892,
20 RSMo, or for health coverage through an insurer or group health
21 plan, any insurers, including group health plans as defined in
22 section 607(1) of the federal Employee Retirement Income Security
23 Act of 1974, offering, issuing, or renewing policies in this
24 state on or after July 1, 1994, shall:

1 (1) Permit such parent to enroll under such coverage any
2 such child who is otherwise eligible for such coverage, without
3 regard to any enrollment season restrictions;

4 (2) Permit enrollment of a child under coverage upon
5 application by the child's other parent [or by] the division of
6 child support enforcement [or] the division of medical services,
7 or the tribunal of another state, if the parent required by a
8 court or administrative order to provide health coverage fails to
9 make application to obtain coverage for such child;

10 (3) Not disenroll or eliminate coverage of a child unless
11 [the insurer is provided satisfactory written evidence that]:

12 (a) The insurer is provided satisfactory written evidence
13 that such court or administrative order is no longer in effect;
14 or

15 (b) The insurer is provided satisfactory written evidence
16 that the child is or will be enrolled in comparable health
17 coverage through another insurer which will take effect no later
18 than the effective date of the disenrollment; or

19 (c) The employer or union eliminates family health coverage
20 for all of its employees or members; or

21 (d) Any available continuation coverage is not elected or
22 the period of such coverage expires.

23 2. In any case in which a parent is required by a court or
24 administrative order to provide medical coverage for a child,

1 under any health benefit plan, as defined in section 454.600, and
2 the parent is eligible for such health coverage through an
3 employer doing business in Missouri, the employer or union shall:

4 (1) Permit such parent to enroll under such family coverage
5 any such child who is otherwise eligible for such coverage,
6 without regard to any enrollment season restrictions;

7 (2) Enroll a child under family coverage upon application
8 by the child's other parent [or by], the division of child
9 support enforcement [or], the division of medical services, or a
10 tribunal of another state, if a parent is enrolled but fails to
11 make application to obtain coverage of such child; and

12 (3) Not disenroll or eliminate coverage of any such child
13 unless [the employer is provided satisfactory written evidence
14 that]:

15 (a) The employer or union is provided satisfactory written
16 evidence that such court or administrative order is no longer in
17 effect; or

18 (b) The employer or union is provided satisfactory written
19 evidence that the child is or will be enrolled in comparable
20 health coverage through another insurer which will take effect
21 not later than the effective date of such disenrollment; or

22 (c) The employer or union has eliminated family health
23 coverage for all of its employees or members.

24 3. No insurer may impose any requirements on a state

1 agency, which has been assigned the rights of an individual
2 eligible for medical assistance under chapter 208, RSMo, and
3 covered for health benefits from the insurer, that are different
4 from requirements applicable to an agent or assignee of any other
5 individual so covered.

6 4. All insurers shall in any case in which a child has
7 health coverage through the insurer of a noncustodial parent:

8 (1) Provide such information to the custodial parent or
9 legal guardian as may be necessary for the child to obtain
10 benefits through such coverage;

11 (2) Permit the custodial parent or legal guardian, or
12 provider, with the custodial parent's approval, to submit claims
13 for covered services without the approval of the noncustodial
14 parent; and

15 (3) Make payment on claims submitted in accordance with
16 subdivision (2) of this subsection directly to the parent, the
17 provider, or the division of medical services.

18 5. The division of medical services may garnish the wages,
19 salary, or other employment income of, and require withholding
20 amounts from state tax refunds, pursuant to section 143.783,
21 RSMo, to any person who:

22 (1) Is required by court or administrative order to provide
23 coverage of the costs of health services to a child who is
24 eligible for medical assistance under Medicaid; and

1 (2) Has received payment from a third party for the costs
2 of such services to such child, but has not used such payment to
3 reimburse, as appropriate, either the other parent or guardian of
4 such child or the provider of such services, to the extent
5 necessary to reimburse the division of medical services for
6 expenditures for such costs under its plan. However, claims for
7 current or past due child support shall take priority over claims
8 by the division of medical services.

9 6. The remedies for the collection and enforcement of
10 medical support established in this section are in addition to
11 and not in substitution for other remedies provided by law and
12 apply without regard to when the order was entered.

13 Section B. Because immediate action is necessary to ensure
14 that the children of the state of Missouri continue to receive
15 medical insurance coverage the repeal and reenactment of section
16 208.631 of section A of this act is deemed necessary for the
17 immediate preservation of the public health, welfare, peace, and
18 safety, and is hereby declared to be an emergency act within the
19 meaning of the constitution, and the repeal and reenactment of
20 section 208.631 of section A of this act shall be in full force
21 and effect upon its passage and approval.